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Attorneys for Defendants CITY OF VALLEJO and JARRETT TONN

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

NEFTALI MONTERROSA, individually and
as co-successor-in-interest to Decedent SEAN
MONTERROSA; NORA MONTERROSA,
individually and as co-successor-in-interest to
Decedent SEAN MONTERROSA;
MICHELLE MONTERROSA, individually;
ASHLEY MONTERROSA, individually,

Plaintiff,

vs.

CITY OF VALLEJO, a municipal
corporation; JARRETT TONN, individually,
and, Vallejo police officers DOES 1-25,
inclusive,

Defendants.

Case No: 2:20-cv-01563-TLN-DB

**DEFENDANTS' OBJECTION TO
PRETRIAL SCHEDULING ORDER**

Pursuant to the Court's Initial Pretrial Scheduling Order (Dkt. 3), Defendants hereby

1 make the following objections:

2 Defendants respectfully object to the proposed completion of discovery within 240 days.
 3 This case arises from an officer-involved shooting that took place on June 2, 2020. The criminal
 4 investigation into the underlying incident is still in progress. Once the investigation is
 5 completed, it will be forwarded to the Solano County District Attorney for review to determine
 6 whether or not the case is appropriate for prosecution. The investigation and criminal review
 7 into officer-involved shooting incidents typically takes a significant period of time to complete.
 8 For example, in the office-involved shooting of Ronell Foster, which took place on February 13,
 9 2018, the District Attorney's review was not completed until January 31, 2020, almost two years
 10 later. Further, there is a significant amount of evidence already gathered in the criminal
 11 investigation, which will tend to lengthen the time needed for criminal review and for civil
 12 discovery.

13 Because the civil claims against the involved-officer in this matter are based on the same
 14 underlying facts at issue in the criminal investigation and review, a protective order and stay of
 15 any deposition testimony and written discovery by the involved officer will be needed to protect
 16 their Fifth Amendment rights, resulting in a delay of discovery. *See Keating v. Office of Thrift*
 17 *Supervision*, 45 F.3d 322, 324-325 (9th Cir. 1995). Additionally, the ongoing criminal
 18 investigation may reveal additional witnesses or evidence critical to the civil matter, resulting in
 19 the need to conduct additional discovery at a later stage in the case. For these reasons,
 20 Defendants respectfully request that discovery be ordered completed within 18-months or 540
 21 days.

22 DATED: November 9, 2020

Respectfully submitted,

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 24 /s/ Katelyn M. Knight

MEERA BHATT

KATELYN M. KNIGHT

FARRAH HUSSEIN

Attorneys for Defendants

CITY OF VALLEJO and JARRETT TONN